HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION (C) NO. 1456 OF 2007

PETITIONER

M/s Gala Construction, through its Proprietor Shri Nalin Gala, S/o Shri H.S. Gala, aged about 54 years, resident of MIG-52, H.B. Colony, Katanga, Jabalpur (MP).

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Water Resources Department, D.K.S. Building, Raipur (CG).

2. The Chief Engineer, Mahanadi Project, Water Resources Department, Raipur (CG).

3. The Executive Engineer, E/O H.E.M.M. Division, Rudri, District Dhamtari (CG).

4. M/s Khem Sales Agencies, through its Proprietor D.K. Thakur, Plot No.152 Zone-II, Maharana Pratap Nagar, Bhopal (MP) at Branch Office Sundar Nagar Gate, Mahadev Ghat Road, Raipur (CG).

Present : Shri Renu Kochar, counsel for the petitioner.
Shri Vinay Harit, Dy. Advocate General for the State.

ORAL ORDER
(Passed on 14th March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

Petitioner is a contractor. In this petition filed under Article 226 of the Constitution the only relief sought for by the petitioner is to issue mandamus directing the respondents to allow the petitioner to perform the contract, which was proposed by the competent authority.

2) In the writ petition it is stated that respondents No. 1 to 3 in a clandestine manner have awarded the contract to the fourth respondent. Therefore, an allegation is made that the respondents have arbitrarily exercised their powers. Unfortunately the petitioner has not produced the contract that is awarded to the fourth respondent. In the absence of the said document, it may not be possible to accept the contention canvassed by learned counsel for the petitioner.

3) In that view of the matter, in our opinion, the writ petition filed by the petitioner is fully premature, therefore, the petition is disposed of. However, liberty is reserved to the petitioner that if any occasion arises in future, the petitioner may approach this Court after obtaining a copy of the contract that was awarded to the fourth respondent. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge